

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS  
PRICING ANTITRUST LITIGATION**

**MDL 2724  
16-MD-2724**

**THIS DOCUMENT RELATES TO:**

*State Attorneys General Litigation*

**HON. CYNTHIA M. RUFÉ**

**ORDER**

**AND NOW**, this 25th day of April 2023, upon consideration of the attached Joint Stipulation on the Resolution between Plaintiff State of Washington and Defendants regarding the 12th Report and Recommendation, it is hereby **ORDERED** that the Joint Stipulation is **APPROVED**.

It is so **ORDERED**.

**BY THE COURT:**

*/s/ Cynthia M. Rufe*

CYNTHIA M. RUFÉ, J.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS  
PRICING ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

*ALL ACTIONS*

MDL 2724  
16-MD-2724  
HON. CYNTHIA M. RUFE

**JOINT STIPULATION ON THE RESOLUTION BETWEEN PLAINTIFF STATE OF  
WASHINGTON AND DEFENDANTS REGARDING DEFENDANTS' REQUEST FOR  
PRODUCTION NO. 68 AND THE 12TH REPORT AND RECOMMENDATION**

**WHEREAS**, on April 12, 2022, Special Master David Marion issued his *Twelfth Report and Recommendation as to the States' Motion for Protective Order (Re RFP 68)* (ECF No. 2050) ("12th R&R");

**WHEREAS**, on May 10, 2022, the Plaintiff State of Washington ("Washington"), by its Office of Attorney General ("AG"), joined *Certain Plaintiff States' Objection to Special Master David H. Marion's Twelfth Report & Recommendation as to States' Motion for Protective Order (RE RFP 68)* (ECF No. 2088) (the "Objection");

**WHEREAS**, Washington and the Defendants have met and conferred to resolve the issues underlying the 12th R&R and Washington's Objection;

It is hereby stipulated and agreed by the undersigned counsel that Washington will satisfy Defendants' Request for Production No. 68 ("RFP 68") by searching for and producing non-privileged reports, analyses, or studies relating to the price or supply of generic pharmaceutical products, to the extent such documents have not already been produced in discovery, that meet one or more of the following conditions:

1. Materials possessed by, and/or created by or for, the Antitrust Division of the Washington AG.
2. Materials possessed by, and/or created by or for, the Washington Department of Social and Health Services (“DSHS”), the Washington Health Care Authority (“HCA”), the Washington Department of Corrections (“DOC”), and the Washington Department of Labor and Industries (“LNI”).

Washington will request the University of Washington and the Washington Board of Health to search for and produce non-privileged reports, analyses, or studies relating to the price or supply of generic pharmaceutical products, and will attempt in good faith to facilitate these entities’ voluntary cooperation to the extent that any search is proportional to the needs of the litigation and not detrimental to the operation of any public health services they offer.

For any agency identified in this stipulation, other than the Washington Office of the Attorney General, the Washington AG shall facilitate search and production of documents from such agency.

Other than as set forth above, Washington will not search for or produce documents possessed by any other Washington governmental agency or entity, including the State Legislature, in response to RFP 68.

Nothing in this Stipulation shall be interpreted to bear on whether Washington’s state agencies and/or entities are parties in the above-referenced matter. This Stipulation is an agreement regarding Special Master Marion’s 12th R&R and shall not be used as evidence of whether the Washington State Agencies and/or other Washington entities are parties in this litigation. The parties dispute whether State Plaintiffs have possession, custody, and control of documents and materials that reside within state agencies and/or entities. Notwithstanding the foregoing, the parties retain their rights and objections related to possession, custody, and control.

Washington's search for materials possessed by the Washington State Agencies or any other entities will be proportional to the likelihood that any particular entity will have responsive materials. All documents collected and produced by Washington in response to RFP 68 that have not already been produced in this litigation shall be treated as target documents (also referred to as "go-gets") as defined by the ESI Protocol.

Pursuant to this Stipulation, Washington withdraws its May 10, 2022 Objection to the 12th R&R concerning RFP 68. This Stipulation resolves the Objection as it applies to Washington without addressing the merits of the State Plaintiffs' Objection related to RFP 68. This Stipulation, with respect to Washington only, supersedes any order applicable to the State Plaintiffs generally that might result from objections to the 12th R&R.

**IT IS SO STIPULATED.**

Dated: April 17, 2023

Respectfully Submitted,

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